

V. REMARKS

Entry of the Amendment is proper under 37 C.F.R. §1.116 because the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not raise any new issue requiring further search and/or consideration because the Amendment amplifies issues previously discussed throughout prosecution; and c) places the application in better form for appeal, should an Appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. The amendments to the subject claims do not incorporate any new subject matter into the claims. Thus, entry of the Amendment is respectfully requested.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as unpatentable over Kunagai et al. (U.S. Patent No. 6,250,600). Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as unpatentable over Taguchi (U.S. Patent No. 6,179,572). The rejections are respectfully traversed.

Claim 1, as amended, is directed to a control valve for a variable capacity compressor, which comprises a bellows main body retained as a pressure sensing element in a bellows case with an airtight structure and transfers expansion and contraction of the bellows main body in response to a variation in inlet pressure of the variable capacity compressor to a valve element through a valve rod supported to be movable in a valve lifting direction from a valve housing integral with the bellows case to thereby change a valve opening degree. Claim 1 recites that a patch member is provided to a movable-side end portion of the bellows main body and is formed with a fitting recessed portion, one end portion of the valve rod being fitted to be able to float in the fitting recessed portion and the edge of the one end portion of the valve rod is roundly or hemispherically shaped, and the fitting recessed portion is formed such that the patch member can be tilted with respect to the valve rod. Claim 1 further recites that a compression coil spring is disposed between the patch member

and a lower patch member for supporting a fixed-side end portion of the bellows main body.

The amendment of claim 1 is based on the absence in the control valves of 572 patent, 600 patent and 432 publication of the following feature:

"the edge of the one end portion of the valve rod 25 is roundly or hemispherically shaped and the fitting recessed portion is formed such that the patch member can be tilted with respect to the valve rod."

In accordance with the invention of claim 1, as amended, because of the aforementioned feature, as the bellows 26 are inclined, so is the patch member 31; the valve rod 2, however, does not incline but maintains its vertical state. Thus, hysteresis during the open/close operation of the valve can be reduced, and highly accurate control characteristics can be obtained.

The 572 patent does not disclose the above-quoted feature of amended claim 1.

The 600 patent discloses that a ball 77 is disposed at one end of a valve rod 65, wherein the ball 77 is housed in a spherical recess 78. This, however, differs from the above-quoted feature of amended claim 1 and also requires a large number of components and assembly steps, with different effects from those of the present invention.

The 432 publication, referring to Fig. 2 thereof, discloses that the diameter of the lower end of the valve rod 35 is reduced, and the lower end of the rod 35 is fitted in a concave portion (without a reference numeral) formed on top of a member (no reference numeral) that fits in a fitting recessed portion (no reference numeral) of a patch member. This reference, however, does not clarify how the lower end of the

valve rod 35 and the concave portion (no reference numeral) formed on top of the member (no reference numeral) are fitted with each other.

Thus, it is respectfully submitted that the 432 publication does not disclose the above-quoted feature, namely "the fitting recessed portion is formed such that the patch member can be tilted with respect to the valve rod."

It is respectfully submitted that none on the applied art, alone or in combination, teaches or suggests the features of claim 1 as now amended and discussed above. Thus, one of ordinary skill in the art would not be motivated to combine the features of the applied art because such combination would not result in the claimed invention. As a result, it is respectfully submitted that claim 1 is allowable over the applied art.

Claims 2, 4 and 5 depend from claim 1 and includes all of the features of claim 1. Thus, the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

Further, Applicants assert that there are also reasons other than those set forth above why the pending claims are patentable. Applicants hereby reserve the right to submit those other reasons and to argue for the patentability of claims not explicitly addressed herein in future papers.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance; the Examiner is invited to contact Applicants' representative at the telephone number listed below.

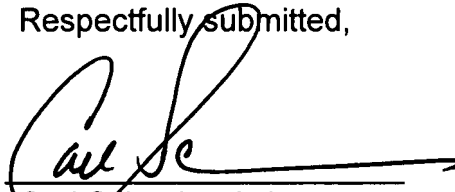
Should additional fees be necessary in connection with the filing of this paper

or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

Date: August 28, 2007

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Enclosure(s): Amendment Transmittal

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